

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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EDGEWOOD HIGH SCHOOL  
OF THE SACRED HEART, INC.,  
Plaintiff,

v.

CITY OF MADISON, WISCONSIN;  
CITY OF MADISON ZONING BOARD  
OF APPEALS; CITY OF MADISON  
PLAN COMMISSION; and CITY OF  
MADISON COMMON COUNCIL;  
Defendants.

Case No. 3:21-CV-118

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**DECLARATION OF TAG EVERS**

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I, Tag Evers, under penalty of perjury, declare as follows:

1. I am an adult resident of Madison, Wisconsin. My given name is Martin Adrian Evers, III, but I have been known my whole life as Tag Evers and use this name in connection with my service for the City. I reside on Keyes Avenue in Madison WI 53711. I am an elected official, the District 13 Alder, and am on the City of Madison's Common Council. I make this declaration in support of defendants' motion for summary judgment. This declaration is based on my own personal knowledge or records kept in the ordinary course of the City's business.

2. Edgewood High School submitted a conditional use application for outdoor lighting of its athletic field. The conditional use application went before the Plan Commission on May 11, 2020. The Plan Commission found the standards for conditional use were not met and placed the conditional use on file without

prejudice. Specifically, the Plan Commission indicated that it “could not find standard number 3 met finding that the lights would have a substantial negative impact on the uses, values, and enjoyment of surrounding properties and that no evidence was submitted by the applicant that there would not be negative impacts on the lighted use of the field and no mitigation measures proposed to limit those impacts, noise barriers, limits on events, et cetera.” This entry appears in the City’s Legislative Information Center (aka “Legistar”), a web based management software used to track City legislation, meetings and other City business. The May 11, 2020 meeting was recorded. A link to the May 11, 2020 Plan Commission meeting is here: <https://media.cityofmadison.com/mediasite/Showcase/madison-city-channel/Presentation/95ac2fc624f04a65b8ea74ac63ffcd31d/Channel/9087c9eda40246be9fac2783773f09f54d>

3. The Edgewood conditional use discussion begins at approximately 2:33 mark and runs to the 7:23.

4. Edgewood appealed the Plan Commission’s decision on its conditional use application to the Common Council. That matter came before the Common Council on January 19, 2021. The Common Council voted 13-4 to uphold the decision of the Plan Commission and not grant Edgewood’s appeal.

5. Sound studies, property values, environmental, public comments re: lights/sound, videos, dishonesty of Edgewood/lies.

6. All Common Council Alders received voluminous written materials in advance of the January 19, 2021 vote on Edgewood's conditional use application.

Some of the most pertinent materials I and the other Alders received were:

- A sound study performed by Wise Associates that the neighbors living near Edgewood submitted (attached as Exhibit A)
- A sound study performed by Talaske and TLC Engineering that Edgewood submitted (attached as Exhibit B)
- Testimony and information that the proposed improvements would decrease property values, some of which was verbal but some were contained in written comments and are contained Exhibit D at CITY-DEF 52286, 52287, 52298, 52322-24, 52335, 52334, 52378, 52389, 52397, 52440, and 52444,
- A letter from Friends of Lake Wingra opposing Edgewood's proposed improvements based on the potential environmental impact (attached as Exhibit C)
- Videos that members of the public submitted related to the lights and sounds of athletic games (including one taken of an Edgewood game), and the potential impacts on the neighborhood, *see, e.g.*, Ex. D at 52356, 52509, 52464 with links to videos. One resident wrote "When my husband deployed to Afghanistan in 2018, we tried to find ways to connect across the distance and the time zones -- as it turns out, great preparation for connecting during a pandemic. One day he met us at 3:30am, his time, for dinner over video chat. A soccer game was taking place on the field, which became so loud, with the windows closed, that we could no longer have a conversation in the dining room at the back of our house." The resident took and sent a link to a video of that game, which she says she recorded from inside her house (CITY-DEF 52634).
- Testimony from the public about how their uses, values and enjoyment of their property would substantially impaired or diminished, *see, e.g.*, Exhibit D at 52083-52085, 52285-52291, 52296-52384, 52386-52414, 52427-52449, 52483, 52507-52509.
- Testimony raising concerns about whether Edgewood would abide by the conditions given its past behavior and suggestions of Edgewood



being dishonest, *see, e.g.*, Exhibit D at CITY-DEF 51985, 52083-52085, 52289, 52313, 52456, 52487, 52493-52497, 52507-52509.

7. Attached as Exhibit D, bates numbered CITY-DEF 51971 to CITY-DEF 52685 are some of the written materials that all Alders received in connection with Edgewood's conditional use application.

8. In addition to written materials, the Common Council held a public hearing at which numerous individuals spoke and made presentations. That meeting was recorded. A link to the January 19, 2021 Common Council meeting is here: <https://media.cityofmadison.com/mediasite/Showcase/madison-city-channel/Presentation/c3bdf04924f2446cad9f4a1bc2d6cdc11d/Channel/d29c91089bda40e7bb0fba20311ff0754d>

9. The Edgewood conditional use discussion begins at approximately 2:50 mark and runs to the end of the recording, or the 6:43 mark.

10. In late 2021, Edgewood filed a conditional use application for a two-story commons addition. That matter came before the Plan Commission on December 13, 2021. I filed written comments supporting Edgewood's application and urged the Plan Commission to vote in favor of the conditional use application. Edgewood's application was approved unanimously by the Plan Commission.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed this 19<sup>th</sup> day of May, 2022.

  
Tag Evers

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